

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAMUEL LOUX,

Plaintiff,

v.

PHILADELPHIA DEPARTMENT OF  
CORRECTIONS, C/O WILSON, WARDEN  
LAWTON and MAJOR MIRANDA,

Defendants.

CIVIL ACTION  
NO. 13-7185

**ORDER**

**AND NOW**, this 29<sup>th</sup> day of September, 2015, upon consideration of Plaintiff's Complaint, and the Motion to Dismiss filed by Defendants Warden Lawton and Deputy Warden Miranda, it is hereby **ORDERED** as follows:

1. The Motion to Dismiss of Defendants (Docket No. 9) is **GRANTED**;
2. The Complaint is **DISMISSED** without prejudice;
3. The Department of Corrections is **DISMISSED** from this action with prejudice;
4. Plaintiff may file an amended complaint within thirty (30) days of the date of this order if he can do so in accordance with the Federal Rules of Civil Procedure; and
5. If Plaintiff chooses to file an amended complaint which contains sufficiently specific information as to the identity of "C/O Wilson," a summons is to issue as to C/O Wilson, and service of the summons and Amended Complaint shall be made upon him by the U.S. Marshal Service.

**BY THE COURT:**

/s/ Jeffrey L. Schmehl  
**Jeffrey L. Schmehl, J.**